

1 STEFANIE T. SHARP, ESQ.
Nevada Bar No. 8661
2 **ROBISON, BELAUSTEGUI, SHARP & LOW**
3 71 Washington Street
Reno, Nevada 89503
4 Tel: 775-329-3151
5 Fax: 775-329-7941
E-mail: ssharp@rbsllaw.com
6 *Attorneys for William McGrane*

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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 IN RE:

11 ANTHONY THOMAS and
12 WENDI THOMAS,

13 Debtors.

Case No. BK-N-14-50333-btb
Chapter 11

**STIPULATION FOR COMFORT
ORDER THAT AUTOMATIC STAY
DOES NOT APPLY TO LITIGATION
FILED BY DEBTOR ANTHONY
THOMAS PRE-PETITION
[CALIFORNIA STATE COURT
LITIGATION]**

Date: N/A
Time: N/A

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21 WILLIAM MCGRANE ("McGrane"), by and through his counsel Stefanie T. Sharp, Esq.
22 of ROBISON, BELAUSTEGUI, SHARP & LOW and Debtors-In-Possession ANTHONY
23 THOMAS and WENDI THOMAS (collectively "Debtors"), by and through their counsel Holly E.
24 Estes of THE LAW OFFICES OF ALAN R. SMITH , hereby stipulate and agree as follows, and
25 request that the Court enter an Order confirming that the automatic stay of 11 U.S.C. §362(a) and
26 the 14 day stay of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure (the "FRBP"), do
27 not apply to the California State Court Action (as hereinafter defined).

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1 1. On February 28, 2012, Debtor – In – Possession Anthony Thomas filed an action in
2 the Superior Court for the State of California, In and For the County of Santa Clara, entitled
3 *Anthony G. Thomas, Plaintiff vs. Trepel McGrane Greenfield, LLP; Anthony Trepel, an*
4 *individual; William McGrane, an individual; and Does 1 through 100, inclusive, Defendants* (the
5 “California State Court Action”).

6 2. Debtors commenced this case by filing a voluntary petition for relief under Chapter
7 11 of the United States Bankruptcy Code (the “Bankruptcy Code”) on March 4, 2014 (the
8 “Petition Date”). No Trustee has been appointed and Debtors have acted as Debtors-In-Possession
9 since the Petition Date.

10 3. Despite the existence of clear statutory and case law in the 9th Circuit which
11 provides that the automatic stay does not prevent a debtor/plaintiff from continuing to prosecute
12 his own State Court claims nor does it prevent a defendant from protecting its interest against
13 claims brought by the debtor, State Courts, out of an abundance of caution, request that a “comfort
14 order” be obtained from the Bankruptcy Court confirming that the stay is not applicable to such
15 actions. Such is the situation in the case at bar.

16 4. That being the case, counsel for McGrane filed a Motion for Comfort Order that
17 Automatic Stay Does Not Apply to Litigation Filed by Debtor Anthony Thomas Pre-Petition Or
18 Alternatively for Relief From the Automatic Stay [California State Court Litigation] on March 17,
19 2014, Dkt. 13 (the “Motion”). The Motion is currently set for hearing on April 22, 2014.

20 5. Debtors and McGrane have now agreed to stipulate to the entry of a “comfort
21 order” by this Court confirming that the automatic stay of 11 U.S.C. §362(a) and the 14 day stay
22 of FRBP 4001(a)(3) do not apply to the California State Court Action (the “Comfort Order”) and
23 that the Motion be withdrawn upon entry of the Comfort Order.

24 Therefore, based on the foregoing, as well as the pleadings and papers on file in this
25 matter, IT IS HEREBY STIPULATED AND AGREED:

26 A. That the automatic stay of 11 U.S.C. §362(a) and the 14 day stay of FRBP
27 4001(a)(3) do not apply to the California State Court Action.

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B. That the California State Court Action may proceed and the parties to the California State Court Action are free to pursue their claims and defenses under applicable law.

C. That this stipulation and the agreements made herein shall remain in effect notwithstanding the conversion of this case to any other chapter under the Bankruptcy Code, Title 11, or the confirmation of any plan of reorganization in any converted chapter.

D. That the Motion, Dkt. 13, be withdrawn upon entry of the Comfort Order.

ROBISON, BELAUSTEGUI, SHARP & LOW

LAW OFFICES OF ALAN R. SMITH

By: /s/ Stefanie T. Sharp
 Stefanie T. Sharp, Esq.
 71 Washington Street
 Reno, Nevada 89503
Counsel for William McGrane

By: /s/ Holly E. Estes
 Holly E. Estes, Esq.
 505 Ridge Street
 Reno, Nevada 89501
Counsel for Debtors-In-Possession

Date: April 10, 2014

Dated: April 10, 2014

CERTIFICATE OF SERVICE

Pursuant to FRBP 7005 and FRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, that I am over the age of 18 and not a party to the above-referenced case, and that on the date below I caused to be served a true copy of the **STIPULATION FOR COMFORT ORDER THAT AUTOMATIC STAY DOES NOT APPLY TO LITIGATION FILED BY DEBTOR ANTHONY THOMAS PRE-PETITION [CALIFORNIA STATE COURT LITIGATION]** on all parties to this action by the method(s) indicated below:

 X I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

ALAN R. SMITH on behalf of Debtor Anthony Thomas
mail@asmithlaw.com

ALAN R. SMITH on behalf of Joint Debtor Wendi Thomas
mail@asmithlaw.com

KEVIN A. DARBY on behalf of Interested Party KIT MORRISON
kevin@darbylawpractice.com, sarah@darbylawpractice.com; alecia@darbylawpractice.com; itati@darbylawpractice.com; tricia@darbylawpractice.com

U.S. TRUSTEE – RN-11
USTPRegion17.RE.ECT@usdoj.gov

DATED: This 10th day of April, 2014.

/s/ Claudia Zaehring